S.B. CIVIL WRIT PETITION No. 7604/2007.
(Duli Chand Vs. C.J.(J.D.) & J.M. No.1, Sujangar & ors.)

DATE OF ORDER : 19.11.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. Hemant Jain, for the petitioner.

1. Heard the learned counsel.

2. This writ petition has been filed against the order dated 5.11.2007 whereby the learned trial Court has closed the plaintiff's evidence. Learned counsel for the petitioner has submitted that since a close relative of one of the plaintiff's Mr. Jai Chand Lal suffered a heart-attack just before the date fixed for plaintiff's evidence and who had to be taken to Chennai for his medical treatment, on the date fixed by the trial Court, the plaintiff's evidence could not be produced before the Court and the learned trial Court, has therefore, erred in closing the plaintiff's evidence in the present suit for cancellation of sale deed.

3. Having heard the learned counsel for the petitioner, this Court is of the opinion that a reasonable and sufficient cause was made out before the learned trial Court for granting some accommodation to the plaintiff for producing his evidence in view of

sudden illness of a close relative.

4. Accordingly, the impugned order dated 5.11.2007 is set aside and the learned trial Court is directed to allow the plaintiff to produce his evidence on 10th December, 2007. No further opportunity shall be granted to the plaintiff in this regard. This is subject to the condition that the plaintiff pays cost of Rs. 1,000/- (Rs. One thousand only) to the defendants.

5. In view of the orders passed in the aforesaid terms, this writ petition has been disposed of without calling upon the respondents to avoid any further delay in the trial.

5. The writ petition is accordingly disposed of.

(Dr.VINEET KOTHARI)J.

Sr.No.S/1
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